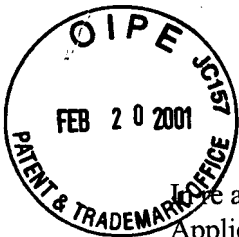


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Practitioner's Docket No. 47653.2 (71789)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J.C. Houck et al.

Application No.: 09/190,043

Group No.: 1631

Filed: November 10, 1998

Examiner: M. Borin

For: SMALL PEPTIDES AND METHODS FOR TREATMENT OF ASTHMA AND INFLAMMATION

Assistant Commissioner for Patents

Washington, D.C. 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)**

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 5, 2001, finally rejecting claims 1-3.

The item(s) checked below are appropriate:

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: February 14, 2001

Deborah Barfield

02/22/2001 AWONDAF1 00000078 09190043

01 FC:219 155.00 OP
02 FC:217 55.00 OP

(Notice of Appeal from the Primary Examiner to Board—page 1 of 4)



If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- (a) ☒ An extension for two months has already been secured, and the fee paid therefor of \$390.00 is deducted from the total fee due of \$445.00 for the total months of extension now requested. Please note that the fee for the two month extension of time was inadvertently paid as a large entity. This fee of \$390.00 has been deducted from the three month extension of time fee due for a small entity.

Extension fee due with this request \$390.00

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 155.00

Extension fee (if any) \$ 55.00

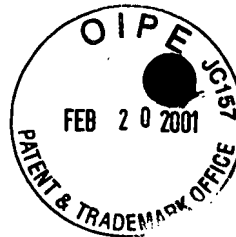
TOTAL FEE DUE \$ 210.00

5. FEE PAYMENT

☒ Attached is a check in the sum of \$ 210.00.

☐ Charge Account No. _____ the sum of \$ _____.

A duplicate of this transmittal is attached.



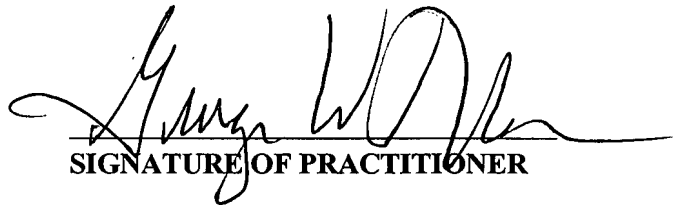
6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

[X] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

AND/OR

[X] If any additional fee for claims is required, charge Account No. 04-1105.



SIGNATURE OF PRACTITIONER

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